

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KENLON WILLIAMS,

Plaintiff,

- against -

TRANSFER ORDER
11-CV-4091 (RRM) (JO)

WARREN YANCEY JOBE

Defendant.

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MAUSKOPF, United States District Judge.

On August 31, 2011, this Court ordered plaintiff Kenlon Williams to Show Cause in writing, by September 7, 2011, why this case should not be 1) transferred to either the District of South Carolina, the Virginia district in which Defendant resides or may otherwise be found, or in the alternative, 2) dismissed without prejudice to refile in New York state court.

As noted in the Court's Order to Show Cause, all of the events giving rise to this complaint occurred in South Carolina. Defendant is a resident of Virginia, and Plaintiff alleges no facts from which it is plain that this Court will have personal jurisdiction over Defendant. Plaintiff is a resident of New York, and presumably could bring this action in the New York state courts, *see* N.Y. Civ. P. L.R. § 503(a). However, he has chosen to bring an original action in this Court in direct contravention of federal statute governing venue which states:

(a) A civil action wherein jurisdiction is founded only on diversity of citizenship may, except as otherwise provided by law, be brought only in (1) a judicial district where any defendant resides, if all defendants reside in the same State, (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated, or (3) a judicial district in which any defendant may be found, if there is no district in which the action may otherwise be brought.

28 U.S.C. § 1391(a).

In response to the Court's Order to Show Cause (Doc. Nos. 3, 4), plaintiff requests that this action be transferred to the United States, which District covers the County of Buckingham wherein the defendant resides. Pursuant to plaintiff's request, and for the reasons set forth in this Court's Order to Show Cause, plaintiff's request is GRANTED.

CONCLUSION

It is hereby ORDERED that this action shall be TRANSFERRED to the United States District Court for the Western District of Virginia. The Clerk of Court is directed to so do, and to close the file in this Court.

SO ORDERED.

Dated: Brooklyn, New York
January 12, 2012

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge